

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 22291 PERMIT 15449 LICENSE 10160

ORDER CORRECTING DESCRIPTION  
OF THE POINT OF DIVERSION

**WHEREAS:**

1. License 10160 was issued to the Bear Valley Homeowners Association on July 10, 1973 and was recorded with the County Recorder of Alpine County on July 12, 1973 in Document 447, Volume 17, and Page 578.
2. A Board staff engineer discovered the description for the point of diversion was incorrectly described and should be corrected.
3. The Board has determined the above correction will not initiate a new right nor will operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.
4. The license condition pertaining to the continuing authority of the Board should be updated to conform to the current common law trust doctrine contained in Title 23, of the California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the point of diversion under this license be corrected to read:

South 2,450 feet and West 1,100 feet from the NE corner of Section 11, T7N, R17E, MDB&M, being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 11, also described as California Coordinate System in Zone 3, N 719,000 and E 2,123,600.
2. The continuing authority conditions in this license be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


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The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JULY 23 1990



 Walter G. Pettit, Chief  
Division of Water Rights



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STATE WATER RESOURCES CONTROL BOARD  
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**WHEREAS:**

1. License 10160 was issued to the Bear Valley Homeowners Association on July 10, 1973 and was recorded with the County Recorder of Alpine County on July 12, 1973 in Document 447, Volume 17, and Page 578.
2. A Board staff engineer discovered the discription for the point of diversion (Spring #2) was incorrectly described and should be corrected.
3. The correction is needed to specifically indentify the location of where the actual point of diversion is located under this permit.
4. The Board has determined that said correction of the description of the point of diversion will not initiate a new right nor will operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the point of diverison (Spring #2) under this license be corrected to read:

North 2000 feet and East 300 feet from the SW corner of  
Section 12, T7N, R17E, MDB&M, being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of  
said Section 12.

Dated: **FEBRUARY 28 1991**

*Jm* *Jesse M. Diaz*  
Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 22291

PERMIT 15449

LICENSE 10160

**THIS IS TO CERTIFY, That**

BEAR VALLEY HOMEOWNERS ASSOCIATION  
C/O C. WARD, 55 LA LOMA DRIVE,  
MENLO PARK, CALIFORNIA 94025

HAVE *made proof as of* SEPTEMBER 25, 1970 *(the date of inspection)*  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
AN UNNAMED SPRING IN ALPINE COUNTY

tributary to AN UNNAMED STREAM THENCE BLOODS CREEK THENCE NORTH FORK STANISLAUS RIVER

for the purpose of DOMESTIC USE

under Permit 15449 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from SEPTEMBER 17, 1965 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed FOUR THOUSAND FIVE HUNDRED FORTY (4,540) GALLONS PER  
DAY, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM  
AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 3.2 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 2,000 FEET AND WEST 700 FEET FROM NE CORNER OF SECTION 11, T7N, R17E, MDB&M,  
BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 11.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN SE1/4 OF NE1/4 OF SECTION 13, T7N, R17E, MDB&M, AND SW1/4 OF NW1/4 OF  
SECTION 18, T7N, R18E, MDB&M.

RIGHTS UNDER THIS LICENSE ARE AND SHALL BE SUBJECT TO EXISTING RIGHTS  
DETERMINED BY STANISLAUS RIVER JUDGEMENT AND DECREE, NO. 16873, SUPERIOR COURT,  
SAN JOAQUIN COUNTY, AND SUCH OTHER RIGHTS AS MAY PRESENTLY EXIST ON THE STREAM  
INSOFAR AS SAID EXISTING AND ADJUDICATED RIGHTS ARE MAINTAINED.

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUL 10 1973

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*

Chief, Division of Water Rights

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